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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: July 19, 2004

FREDERICK S. PARKER

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JUL 26 2004

Serial No. : 09/823,448

AUG 20 2004

Examiner Michael Meyer

OFFICE OF PETITIONS

Filed : March 30, 2001

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2000

Group Art Unit 2675

For

METHOD AND APPARATUS FOR DRIVING LED LIGHT  
SOURCES FOR A PROJECTION DISPLAY

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AUG 03 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Technology Center 2600

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION (37 CFR 1.137)**

This is a conditional petition to revive under Rule 137(b). Applicants have filed herewith a petition under Rule 181 to withdraw the holding of abandonment based on nonreceipt of an Office action. **In the event the petition under Rule 181 is denied**, Applicants respectfully request that this petition to revive under Rule 137(b) be granted.

In order to summarize the relevant events, a timeline is set forth below:

- July 15, 2003 → A timely response with a petition for extension of time was filed by Applicant's previous representative (Blakely, Sokoloff, Taylor & Zaffman LLP, hereafter "Blakely")
- about October, 2003 → The file was transfer from Blakely to Applicant's current representative, Anna McCoy of Kolisch Hartwell, hereafter, "Kolisch".
- October 21, 2003 → An Office action was presumably mailed to Blakely from the PTO. This Office Action was not received by Blakely or Kolisch.
- November 17, 2003 → Kolisch filed a communication including a Revocation and Reappointment of Power of Attorney and Change of Correspondence Address.
- June 30, 2004 → An Notice of Abandonment was mailed to Kolisch from the PTO.

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- July 2, 2004 → Kolisch received the Notice of Abandonment and for the first time realized the PTO believed an Office action was mailed October 21, 2003, and that Applicant had failed to respond.
- July 2, 2004 → The undersigned called Examiner Chow at the PTO to request a copy of the Office action allegedly sent on October 21, 2003, since it was not available on PAIR.
- July 8, 2004 → Examiner Chow sent, via fax, a copy of the Office action allegedly sent on October 21, 2003.
- July 15, 2004 → Received documentation from Blakely that the Office action allegedly sent on October 21, 2003 was not received by Blakely.

**Revival (Rule 137(b))**

Applicant received a Notice of Abandonment from the U.S. Patent and Trademark Office (USPTO) dated June 30, 2004, indicating that the above-identified application has been abandoned for failure to respond to an Office action mailed October 21, 2003. In response thereto, Applicants are filing the present petition under Rule 137(b) to revive the application, along with the response indicated to be due. Further, Applicants state that, as described in more detail below, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

(a) A reply to the Office action mailed October 21, 2003 is included herewith. This reply includes an amendment complying with Rule 111.

(b) A check for the petition fee is included herewith.

(c) The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. As noted above, Applicant's current representative did not receive the Office action mailed October 21, 2003 from the PTO or from Applicant's previous representative, and only obtained it from the Examiner on July 8, 2004.

**CERTIFICATE OF MAILING**

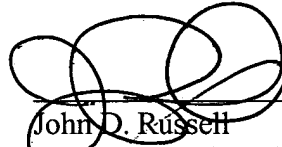
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 19, 2004.



Lisa Holstein

Respectfully submitted,

KOLISCH HARTWELL, P.C.



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